

REMARKS

Claims 1, 2, 5, 7-12, 16, 18-22, 26-29, and 31-33 are pending in the subject application upon entry of the amendments. The Specification has been amended as shown on page 2 of this Reply. Claims 1, 8, 10-12, 16, 18-22, 28 and 31-32 have been amended, claims 6 and 17 have been cancelled and new claim 33 has been added, as shown on pages 3-9 of this Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments presented herein.

I. Amendment of the Specification

Paragraph [0034] of the Specification has been amended to recite “N-bit sampler 240”, thereby correlating the Detailed Description with the components illustrated in FIG. 2. No new matter has been added in view of the amendment.

II. Allowable Subject Matter

The Examiner’s indication that claims 26-29, 31 and 32 recite allowable subject matter is noted with appreciation. Further, it is noted that claims 6, 9-11, 17, and 19-22 recite allowable subject matter. Claims 6 and 17 have been cancelled herein, and the allowable subject matter incorporated into independent claims 1 and 12.

III. Rejection of Claims 1, 2, 5, 7, 8, 16 and 18 Under 35 U.S.C. §103(a)

Claims 1, 2, 5, 7, 8, 16, and 18 stand rejected under 35 U.S.C. §103(a) over Tailor, et al (EP 0854590 – hereinafter Tailor) in view of Dietrich, et al (US 5,552,798 – hereinafter Dietrich). Claims 2, 5, 7, and 8 depend from independent claim 1, and claims 16 and 18 depend from independent claim 12. Withdrawal of the rejection is respectfully requested for at least the following reason. Tailor and Dietrich, either alone or in combination, fail to teach or suggest each and every element as recited in claims 1, 2, 5, 7, 8, 16 and 18.

The subject application generally relates to satellite-based programmable signal filtering. As indicated in the Subject Office action, dated June 24, 2011, Tailor and Dietrich, either alone or in combination, fail to disclose the respective amplification of sub-signals and combining the amplified sub-signals as a downlink. Independent claim 1, (and similarly independent claim 12) has been amended to incorporate the indicated allowable subject matter, namely: *...translating the plurality of sub-signals comprises: multiplying the first sub-signal by a first number to*

produce a first amplified signal; multiplying the second sub-signal by a second number to produce a second amplified signal, the second number being different from the first number; and adding the first amplified signal and the second amplified signal... Accordingly, in view of independent claims 1 and 12 reciting allowable subject matter, independent claims 1 and 12 are considered to be in condition for allowance and claims 2, 5, 7, 8, 16 and 18 are similarly considered to be in condition for allowance. Accordingly, withdrawal of the rejection is respectfully requested.

IV. New Claim 33

New independent claim 33 has been added herein. Claim 33 is a CRM-type variant of elements recited in allowable independent claim 26. Owing to claim 33 reciting allowable subject matter, claim 33 is considered to be in condition for allowance. To the extent that claim 33 recites a non-transitory computer-readable medium, the term “non-transitory” herein is to be understood to have removed only propagating transitory signals per se from the claim scope and does not relinquish rights to all standard computer-readable media that are not only propagating transitory signals per se. In other words, the meaning of “non-transitory” computer-readable medium should be construed to exclude only those types of transitory computer-readable media, which were found in *In re Nuijten*, to fall outside the scope of patentable subject matter under 35 U.S.C. §101.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this Reply, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [QUALP854USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

TUROC & WATSON, LLP

/Brian M. Asquith/

Brian M. Asquith

Reg. No. 66,129

TUROC & WATSON, LLP
127 Public Square
57TH Floor, Key Tower
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731